

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dane Buchanan	Team: Team # 3	CCRB Case #: 200903532	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 03/07/2009 7:00 PM	Location of Incident: § 87(2)(b) in Queens, § 87(2)(b) and Queens Central Booking	Precinct: 114	18 Mo. SOL 9/7/2010	EO SOL 9/7/2010	
Date/Time CV Reported Mon, 03/09/2009 3:48 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 03/09/2009 3:48 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Kevin Pecorella	03245	921665	NARCBQN
2. LT Christop Thomas	00000	896745	NARCBQN
3. DT3 Bryan Zuccaro	02449	931484	NARCBQN
4. DT2 Michael Cervini	02426	913928	NARCBQN
5. SGT Terence Curran	02389	902731	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Bryan Zuccaro	Force: Detective Bryan Zuccaro used physical force against § 87(2)(b) at § 87(2)(b) in Queens and en route to Queens Central Booking.	
B.DT3 Bryan Zuccaro	Abuse: Detective Bryan Zuccaro threatened to arrest § 87(2)(b) at § 87(2)(b) in Queens.	
C.DT3 Bryan Zuccaro	Abuse: Detective Bryan Zuccaro threatened § 87(2)(b) with the use of force at § 87(2)(b) in Queens.	
D.LT Christop Thomas	Abuse: Lieutenant Christopher Thomas refused to provide his name to § 87(2)(b) at § 87(2)(b) in Queens.	
E.SGT Terence Curran	Abuse: Sergeant Terence Curran refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.	
F.DT3 Kevin Pecorella	Abuse: Detective Kevin Pecorella refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.	
G.DT2 Michael Cervini	Abuse: Detective Michael Cervini refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.	
H.DT3 Bryan Zuccaro	Discourtesy: Detective Bryan Zuccaro spoke obscenely to § 87(2)(b) at § 87(2)(b) and at Queens Central Booking.	

Case Summary

§ 87(2)(b) filed this complaint in-person at the CCRB on March 9, 2009 (encl. 4A – 4B). § 87(2)(b) called the Internal Affairs Bureau (IAB) to file a complaint regarding this incident on March 7, 2009 (encl. 3A – 3B). The CCRB received § 87(2)(b)'s complaint under IAB log 09-10873 on March 12, 2009. § 87(2)(g)

On March 7, 2009 at approximately 7:00 PM, § 87(2)(b) was arrested by Detective Bryan Zuccaro and Lieutenant Christopher Thomas for § 87(2)(b)

The following allegations resulted:

- **Allegation A – Physical Force:** Detective Bryan Zuccaro used physical force against § 87(2)(b) at § 87(2)(b) in Queens and en route to Queens Central Booking. § 87(2)(g)
- **Allegation B – Abuse of Authority:** Detective Bryan Zuccaro threatened to arrest § 87(2)(b) at § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation C – Abuse of Authority:** Detective Bryan Zuccaro threatened § 87(2)(b) with the use of force at § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation D – Abuse of Authority:** Lieutenant Christopher Thomas refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation E – Abuse of Authority:** Sergeant Terence Curran refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation F – Abuse of Authority:** Detective Kevin Pecorella refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation G – Abuse of Authority:** Detective Michael Cervini refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation H – Discourtesy:** Detective Bryan Zuccaro spoke obscenely to § 87(2)(b) at § 87(2)(b) and Queens Central Booking. § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

At the time of the incident, § 87(2)(b) was a § 87(2)(b) old white male who was 5'4" tall, 199 pounds with brown hair and green eyes. § 87(2)(b) During the course of the investigation, however, § 87(2)(b) passed away.

Notice of Claim

§ 87(2)(b)'s statement in the Notice of Claim (encl. 5M – 5N), which was filed on May 29, 2009, was consistent with his CCRB statements, except as where noted below.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on March 9, 2009 (encl. 5A – 5K). On March 7, 2009 at approximately 7:00 PM, § 87(2)(b) returned to his § 87(2)(b)-floor apartment at § 87(2)(b) in Queens from a barbeque that he had had with his friends and family at the Queens Boulevard Park. He did not drink at the park and was not intoxicated at any point in the day. When he got home, he took a Beck's beer out of the fridge, took only two sips from it, and began to unload leftovers from the barbeque from his car, which was parked in front of the apartment building. While unpacking, he took garbage from his apartment to the garbage cans that are in the front of his apartment. This garbage included a bag of garbage and the Beck's beer bottle. § 87(2)(b) could not remember if there was anything left in the beer bottle or not.

As he was walking down the outside steps of his apartment building he observed what looked to him to be two older people harassing two younger people. § 87(2)(b) did not know it at the time but the two older people were police officers in plainclothes who were identified through investigation as Lieutenant Christopher Thomas and Detective Bryan Zuccaro of Narcotics Borough Queens. When § 87(2)(b) stepped out of the building, Detective Zuccaro shouted "Get him too." This scared § 87(2)(b) who, not knowing that they were officers, tried to run back inside the building and shut the door.

As § 87(2)(b) ran into the building Detective Zuccaro grabbed § 87(2)(b) and smashed his head into the door. Since he did not know that it was an officer, § 87(2)(b) tried to push him out the door of his building. Detective Zuccaro caught § 87(2)(b) in the door, grabbed his left arm and closed the door on § 87(2)(b) and his hand that was holding the beer bottle, shattering the bottle in his hand. Detective Zuccaro held § 87(2)(b) between the entrance door and the wall and began to punch § 87(2)(b) all over his body. Detective Zuccaro then grabbed § 87(2)(b)'s right arm, pulled it behind him and pushed him around and hit his head against the door and the wall. § 87(2)(b) was then handcuffed on the floor, was sat up and was hit repeatedly again by Detective Zuccaro. He kept on squeezing § 87(2)(b)'s injured and bleeding hand that was handcuffed behind his back. § 87(2)(b) said "Stop I'm hurt, I'm bleeding." The officers then saw that he was bleeding and Detective Zuccaro took a bottle of alcohol poured it down § 87(2)(b)'s pants; § 87(2)(b) did not feel it poured on his hands.

Detective Zuccaro then grabbed § 87(2)(b) by his feet and dragged him down the outside steps, causing § 87(2)(b) to hit his head on the five or six steps leading to his building. § 87(2)(b)'s family asked Detective Zuccaro why they were treating him like an animal and to let him go. Detective Zuccaro did not respond. After he was dragged down the stairs § 87(2)(b) could

not remember anything because he had a seizure. Lieutenant Thomas was not involved in the physical force. When § 87(2)(b) awoke from his seizure he was being put inside of an ambulance.

The ambulance took § 87(2)(b) to § 87(2)(b) where they gave him stitches and took x-rays. § 87(2)(b) remembered that Detective Zuccaro went to the hospital with him and told the nurses and doctors to give § 87(2)(b) a tranquilizer so he could “get the fuck knocked out.” When he was finished at the hospital he was taken to unmarked police minivan by Detective Zuccaro and Lieutenant Thomas. § 87(2)(b) was put into the far back seat of the minivan and while there Detective Zuccaro pushed down on the seat in front of § 87(2)(b) slamming it on his toe. § 87(2)(b) was taken to Queens Central Booking, but they did not accept him because the hospital had forgotten to take the IV out of his arm. When getting back into the car to go to the hospital § 87(2)(b) said, “Please don’t push the seat on my toe.” Detective Zuccaro replied, “No, no, get your ass in there” and continued to push the seat on his toe once inside the car.

During his interview, § 87(2)(b) showed two bruises on his upper right arm, as well as bruises on his left arm and toe, left calf and left side under the armpit. He also showed the stitches he received on his left ring finger. § 87(2)(b) also alleged in his Notice of Claim that he suffered nerve damage from having his handcuffs too tight. All of these injuries were caused by Detective Zuccaro. Pictures were taken of these injuries during his interview (encl. 5D – 5J).

Complainant/Victim: § 87(2)(b)

He is a § 87(2)(b)-old Hispanic male who is 5’8” tall, weighs 160, and has black hair and brown eyes.

IAB Testimony

§ 87(2)(b) called IAB on March 7, 2009 (encl. 6A) to file a complaint against the officers involved in the incident. His statement during this phone call was consistent with his CCRB statements, except where noted below.

CCRB Testimony

§ 87(2)(b) provided a telephone statement to the CCRB on May 19, 2009 (encl. 6B). He was interviewed at the CCRB on June 23, 2009 (encl. 6C – 6G). § 87(2)(g) At approximately 7 PM on March 7th, 2009, § 87(2)(b) was at § 87(2)(b)’s first floor apartment at § 87(2)(b) after having a family barbecue with § 87(2)(b) her husband § 87(2)(b) and their family. § 87(2)(b) did not consume alcohol at the barbecue, but he recalled that § 87(2)(b) had a couple of beers before going back to § 87(2)(b)’s apartment to relax. In his telephone statement, however, § 87(2)(b) said that they were eating dinner. While at the apartment § 87(2)(b) left with some empty bottles that he was going to put in the recycling bin located in the front of the building. In his statement to IAB, § 87(2)(b) said that § 87(2)(b) went outside with a bottle of beer to talk to his friend. Approximately five to ten seconds after § 87(2)(b) left, § 87(2)(b) heard a commotion outside. § 87(2)(b) heard unknown individuals, later identified as police officers, yelling, “Stop fighting.” § 87(2)(b) was yelling, “Who are you people? Why are you doing this?” and was screaming for help. Upon hearing § 87(2)(b)’s voice, § 87(2)(b) followed by § 87(2)(b)’s family, left the apartment to see what was going on.

§ 87(2)(b) saw officers in plainclothes, identified as Lieutenant Thomas and Detective Zuccaro, slam § 87(2)(b) against the wall. Both officers participated in physically hurting § 87(2)(b).

§ 87(2)(b) Approximately 20 to 25 seconds after § 87(2)(b) arrived at the scene he noticed drops of blood on the ground, as well as broken glass. He knew they were from § 87(2)(b) but did not know how or where § 87(2)(b) was hurt. In his telephone statement and his statement to IAB, § 87(2)(b) said that § 87(2)(b) was hurt when the bottle of beer he was holding broke. § 87(2)(b) attempted to tell the police about the glass and blood but they did not respond. One of the officers, § 87(2)(b) was not sure who, said, “Shut the fuck up” to him. § 87(2)(b) asked what was going on and Detective Zuccaro responded, “Get in the house or we’ll arrest you.” § 87(2)(b) then attempted to take photos of the incident with his cell phone but Detective Zuccaro said, “Don’t get close or we’ll lock you up.” Detective Zuccaro also threatened to beat him up and “fuck” him up.

The officers then put § 87(2)(b) on the ground. § 87(2)(b) was turning his head in protest but the other parts of his body did not resist. The officers attempted to handcuff § 87(2)(b) on the ground but then brought him up to the wall and were finally able to handcuff him after two or three minutes. After 10 to 15 seconds the officers put § 87(2)(b) back on the ground and § 87(2)(b) passed out. An officer, § 87(2)(b) could not recall who, then grabbed § 87(2)(b) by his legs and dragged him outside the apartment building and down five-steps of stairs. The officers left § 87(2)(b) on the ground outside the apartment.

§ 87(2)(b) called for an ambulance. After three to four minutes, another group of three plainclothes officers arrived at the scene in an unmarked full-sized van. These officers were identified through investigation as Sergeant Terrence Curran, Detective Kevin Pecorella, and Detective Michael Cervini of Narcotics Borough Queens. § 87(2)(b) asked Lieutenant Thomas for his name but he did not respond. § 87(2)(b) then asked the names of Sergeant Curran, Detective Pecorella and Detective Cervini but they also failed to provide that information to § 87(2)(b). These allegations were not made during his telephone statement. By the time the ambulance came § 87(2)(b) was awake and was hysterical and screaming in stress when he was put into the ambulance.

Witness: § 87(2)(b)

She is a § 87(2)(b) old Hispanic female who is 5’4” tall, weighs 130 pounds and has brown hair and brown eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on October 27, 2009 (encl. 7A – 7E). On March 7, 2009, § 87(2)(b) s family had a barbeque in the park and then went back to § 87(2)(b) s apartment at § 87(2)(b) in Queens. § 87(2)(b) had drank heavily throughout the day. At approximately 7:00 PM, § 87(2)(b) decided that he wanted to go outside. § 87(2)(b) did not know why he wanted to go outside. The family was telling him not to go outside because he had drank too much but he decided to go outside anyway. § 87(2)(b) was not sure if he brought anything with him when he went outside.

Approximately three or four minutes after he went outside § 87(2)(b) heard a loud noise. She, § 87(2)(b) and § 87(2)(b) ran to their apartment door and opened it to see § 87(2)(b) face down on the ground with an officer, identified through investigation as Detective Zuccaro, on top of him and handcuffing him. Another officer, identified through investigation as Lieutenant Thomas, was checking § 87(2)(b) s pockets. The officers were cursing at § 87(2)(b) although she did not know if it was actually both officers and could not recall what exactly they were saying to § 87(2)(b). She and her family asked them who they were and what they were doing with § 87(2)(b). Detective Zuccaro and Lieutenant Thomas told them that they were police officers and that they were arresting him. They asked them why they were arresting § 87(2)(b).

but the officers did not respond. § 87(2)(b) was yelling for his family to help him and that he was drunk and had not done anything wrong. The officers then picked him up from the floor and pushed him very hard against the wall. § 87(2)(b) and her family noticed that § 87(2)(b) was bleeding a lot from his hand and they told the officers this. § 87(2)(b) did not know why he was bleeding.

Detective Zuccaro told the family that everyone had to disappear and go inside and that § 87(2)(b) was arrested. The officers grabbed § 87(2)(b) by his shoulders and began dragging him backwards out the door of the apartment building. On the way outside § 87(2)(b) continued to yell at the officers to leave him alone and that he did not want to go outside. He stuck his right leg on the door to prevent the officers from taking him outside. Detective Zuccaro continued pulling him and while doing that he put his foot on § 87(2)(b)'s leg and pushed downwards on it to release his leg from the door. § 87(2)(b) asked the officer to not do that because he was already bleeding and she felt that he might break § 87(2)(b)'s leg. § 87(2)(b) told § 87(2)(b) to release his leg so they could take him outside. She and the rest of the family then went back into their apartment, except for § 87(2)(b) who continued to stand in the doorway to watch what was going on.

From her apartment window § 87(2)(b) watched the officers drag § 87(2)(b) to the sidewalk where they sat him down. § 87(2)(b) was quiet from this point on and he sat there as if he fell asleep. She also noticed that § 87(2)(b) looked like he was wet. Detective Zuccaro and Lieutenant Thomas were laughing at § 87(2)(b). While § 87(2)(b) stayed inside her apartment watching from the window § 87(2)(b) and § 87(2)(b) went outside to speak to the officers.

After a while an ambulance came and the EMTs treated § 87(2)(b)'s hand. A little while after the ambulance came a few more officers in black cars arrived at the scene. These officers were identified through investigation as Detective Pecorella, Detective Cervini and Sergeant Curran. § 87(2)(b) was then placed on a stretcher and put into the ambulance. After § 87(2)(b) was placed in the ambulance the rest of his family exited the apartment and went outside. The officers would not let any of the family go into the ambulance with him, however. While § 87(2)(b) was in the ambulance the doors were open and he was screaming that he wanted to be left at home and that he was only drunk and had done nothing wrong. § 87(2)(b) did not know if any officer ever threatened to arrest § 87(2)(b).

Attempts to Contact Civilians

A voicemail was left for § 87(2)(b) on October 7, 2009. On October 9, 2009, she called the CCRB and said that § 87(2)(b) had died on August 24, 2009 and that she did not want to participate with this investigation.

NYPD Statements:

Subject Officer: DETECTIVE KEVIN PECORELLA

- *He is a § 87(2)(b) old white male who is 5'10" tall, weighs 265 pounds, and has brown hair and black eyes.*
- *He is assigned to Narcotics Borough Queens and on March 7, 2009 he worked, in plainclothes, from 12:27 PM until 9:00 PM. He was assigned to a buy and bust operation with Sergeant Terence Curran and they were assigned an unmarked blue caravan.*

Memo Book

Detective Pecorella's memo book (encl. 8A – 8C) is summarized as follows: At 7:05 PM he had an arrest in front of § 87(2)(b) for § 87(2)(b).

CCRB Testimony

Detective Kevin Pecorella was interviewed at the CCRB on July 9th, 2009 (encl. 8D – 8E). At approximately 7:00 PM on March 7th, 2009, Detective Pecorella and Sergeant Curran were radioed by Lieutenant Thomas to come to § 87(2)(b) in Queens. When he arrived at the scene Detective Pecorella saw § 87(2)(b) handcuffed and lying face-up on the floor below the staircase near the sidewalk. Detective Pecorella thought that § 87(2)(b) was highly intoxicated at the time because he was screaming and yelling and his eyes were blurry. § 87(2)(b) was bleeding from cuts to his hand. He did not see any other injuries on § 87(2)(b). § 87(2)(b) did not have a seizure or lose consciousness while Detective Pecorella was there.

§ 87(2)(b) and other civilians were at the scene. Detective Pecorella did not have any interaction with these civilians, and none of the civilians asked him for his name and/or shield number. § 87(2)(b) was cooperative with the police and Detective Pecorella overheard him say that he and § 87(2)(b) had been drinking in the park. Detective Pecorella did not speak directly to § 87(2)(b) and he did not recall seeing any other officer speaking to § 87(2)(b).

When the ambulance came, EMS placed § 87(2)(b) in the ambulance. Detective Pecorella was the arresting officer and recalled that Detective Zuccaro and Detective Cervini accompanied § 87(2)(b) to the hospital and back to the 114th Precinct. No officer used a discourtesy or threatened to arrest or use physical force against any civilian.

Subject Officer: DETECTIVE BRYAN ZUCCARO

- He is a § 87(2)(b)-old white male who is 5'7" tall, weighs 185 pounds and has a shaved head and brown hair.
- He is assigned to Narcotics Borough Queens and on March 7, 2009, he worked, in plainclothes, from 12:27 PM to 9:00 PM. He was assigned as the lieutenant's operator and worked with Lieutenant Christopher Thomas. They were assigned an unmarked vehicle.

Memo Book

Detective Zuccaro's memo book (encl. 9A – 9B) is summarized as follows: At 7:05 PM there was an arrest in front of § 87(2)(b). At § 87(2)(b) he left the scene to go to § 87(2)(b) with the prisoner and at 7:20 AM they left for Queens Central Booking.

CCRB Testimony

Detective Bryan Zuccaro was interviewed at the CCRB on November 25, 2009 (encl. 9C – 9E). On March 7th, 2009 at about 7:00 PM, Detective Zuccaro and Lieutenant Thomas were driving down 37th Street in Queens as part of a buy and bust operation that was occurring in the vicinity when they noticed § 87(2)(b) walking down the street while drinking a bottle of beer. Detective Zuccaro, who intended to give § 87(2)(b) a summons at that point, exited the car and identified himself as a police officer and had his shield in view. As soon as § 87(2)(b) saw him he started running.

§ 87(2)(b) ran for a short distance to his apartment building. § 87(2)(b) tried to close the vestibule door on Detective Zuccaro, who was able to get his foot in the door. As Detective

Zuccaro attempted to open the door § 87(2)(b) swung the beer bottle towards Detective Zuccaro, shattering it against the door. § 87(2)(b) then slipped on the beer on the floor and fell, enabling Detective Zuccaro to open the door and grab one of § 87(2)(b)'s arms. The struggle at the door only lasted for a few seconds. Lieutenant Thomas, who had been following them, entered the building and both he and Detective Zuccaro picked § 87(2)(b) up and placed him against the wall and handcuffed him. They never slammed him against the wall. When Detective handcuffed him Detective Zuccaro noticed that § 87(2)(b) was bleeding from cuts he sustained from falling on the broken glass of the beer bottle.

Once § 87(2)(b) was handcuffed he began screaming for his family. As Detective Zuccaro held one arm and Lieutenant Thomas held the other § 87(2)(b) attempted to throw himself onto the floor several times. Then approximately 6 members of his family exited their apartment and came into the hall. The officers told the family to go back inside the apartment and Lieutenant Thomas made the decision to take § 87(2)(b) outside and away from his family. Lieutenant Thomas grabbed one arm while Detective Zuccaro grabbed the other and they physically lifted him up and carried him out of the building because he refused to walk.

Once they got outside § 87(2)(b) still refused to stand so they sat him down on the steps leading up to his building. Once they sat him down § 87(2)(b) threw himself forward onto the floor. Detective Zuccaro and Lieutenant Thomas sat him up but § 87(2)(b) did it again. § 87(2)(b) was also screaming that he knew an investigator and that he was a person of importance and they did not know who they were messing with. § 87(2)(b) was also saying a lot of vile things towards the officers. At this point Detective Zuccaro realized that § 87(2)(b) was intoxicated because of his actions, he reeked of booze and he had bloodshot eyes. They allowed § 87(2)(b) to stay outside to try to calm him down but it did not work. Detective Zuccaro could not recall if any other civilians were outside at this time as well. The officers also called for an ambulance for § 87(2)(b) as soon as they got outside.

Detective Zuccaro and Lieutenant Thomas notified the rest of the field team, who eventually came to the scene while they were waiting for the ambulance. When the ambulance finally arrived § 87(2)(b) was still extremely intoxicated, uncooperative and belligerent. As the EMTs attempted to aid his bleeding hand § 87(2)(b) made several attempts to bite the female EMT. § 87(2)(b) would not cooperate with the EMTs directions and when they tried to pour sterile water on his hand to clean the wound he would try to roll away from them. When they attempted to put him onto the gurney § 87(2)(b) attempted to flip himself out of the gurney and so the EMTs needed to strap him to the gurney. A civilian, identified as § 87(2)(b) asked Detective Zuccaro where § 87(2)(b) was being taken and who he could ask for. Detective Zuccaro told him which hospital they were going to and provided him with his name and said that he could ask for him. Detective Zuccaro accompanied § 87(2)(b) to the hospital in the ambulance.

At the hospital § 87(2)(b) was even more belligerent and was screaming and yelling. He made threats towards Detective Zuccaro about taking his badge from him and that he would kick his ass. After § 87(2)(b) continued to be belligerent, Detective Zuccaro sat behind him out of his view to try to defuse the situation. § 87(2)(b) then began starting a fight with the elderly man in the bed next to him. Detective Zuccaro then had to restrain § 87(2)(b) further by handcuffing both hands to the bed. § 87(2)(b) continued screaming and also began to spit. A nurse came over to examine him and he attempted to bite the nurse. The nurse then went over to get a sedative and as she tried to give it to him he again attempted to bite her. The nurse then needed to call over hospital personnel to assist in gaining control of § 87(2)(b) so that they could safely give him a sedative. Detective Zuccaro assisted them by holding § 87(2)(b)'s legs with a hospital security guard. While they attempted to hold him § 87(2)(b) attempted to kick Detective Zuccaro and the security guard. § 87(2)(b) continued acting belligerently until the following morning (he

was given three sedatives and had to sleep off the alcohol's effect). The only injury that § 87(2)(b) had was the laceration on his hand and the only treatment he received was stitches. § 87(2)(b) was then transported to Queens Central Booking in an unmarked minivan. Detective Zuccaro accompanied him while Detective Cervini drove. § 87(2)(b) tried to not get into the van but Detective Zuccaro never told him to get his ass in the van. Detective Zuccaro never slammed a seat on § 87(2)(b)'s toe while in the van.

Detective Zuccaro never closed the door on § 87(2)(b)'s hand and never punched him. He never squeezed his injured hand after he was handcuffed and never dragged him by his legs down the steps. Detective Zuccaro never told a nurse to give him a tranquilizer so he could "get the fuck knocked out." No officer ever told any other civilians to shut the fuck up and never threatened to arrest them or beat them up. Detective Zuccaro did not know if any other officer was asked for their name and shield number and did not hear any officer refuse such a request.

Subject Officer: DETECTIVE MICHAEL CERVINI

- *He is a § 87(2)(b)-old white male who is 6'2" tall, weighs 185 pounds, and has blonde hair and blue eyes.*
- *He is assigned to Narcotics Borough Queens and on March 7, 2009 he worked, in plainclothes, from 12:27 PM to 9:00 PM. He was assigned to a buy and bust operation with Sergeant Terence Curran and Detective Kevin Pecorella. They were assigned unmarked vehicle § 87(2)(b) a green Toyota Sienna minivan.*

Memo Book

Detective Cervini's memo book (encl. 10A – 10C) is summarized as follows: At 7:05 PM he had an arrest in front of § 87(2)(b).

Arrest Report

The arrest report for § 87(2)(b) (encl. 10D – 10E), which was filled out by Detective Cervini, indicated that § 87(2)(b) was observed drinking a 24 ounce bottle of Beck's beer in public. § 87(2)(b) who was intoxicated, became loud and boisterous when he was approached by officers, causing a large crowd to form. § 87(2)(b) resisted arrest and "did violently struggle" with the arresting officers. Physical force was used against § 87(2)(b) to restrain and control him. He was charged with § 87(2)(b).

CCRB Testimony

Detective Cervini was interviewed at the CCRB on December 10, 2009 (encl. 10F – 10G). Detective Cervini was called to § 87(2)(b) by Detective Zuccaro and Lieutenant Thomas for an arrest that they had. When Detective Cervini arrived at the scene he observed § 87(2)(b) on the floor and several civilians, who were § 87(2)(b)'s family members, were standing nearby. He was already handcuffed and had a cut on one of his hands. He did not see any other injuries on § 87(2)(b).

§ 87(2)(b) was very intoxicated and was cursing and yelling, "I'm going to sue you." Detective Cervini assumed that he was intoxicated because of the strong odor of alcohol and because an unidentified female at the scene said that he had been drinking all day. The civilians were telling § 87(2)(b) to calm down. There was an empty bottle of alcohol on the floor and broken glass around § 87(2)(b). Detective Cervini was never asked for his name and badge

number by any civilians and stated that his shield was around his neck and visible. Detective Cervini could not recall if the civilians asked any other officers for their names and badge numbers.

Lieutenant Thomas called an ambulance for § 87(2)(b) and when it arrived § 87(2)(b) began fighting with the EMTs. The EMTs strapped § 87(2)(b) to a gurney to subdue him and he was then placed in the ambulance. § 87(2)(b) never lost consciousness and never suffered a seizure. Detective Zuccaro accompanied § 87(2)(b) in the ambulance while Detective Cervini and Sergeant Curran followed behind in the unmarked minivan. § 87(2)(b) was taken to § 87(2)(b) [REDACTED]

Detective Cervini was with § 87(2)(b) throughout his stay at the hospital. § 87(2)(b) was yelling and screaming at the nurses and was giving them a hard time. Detective Zuccaro never told a nurse to give § 87(2)(b) a tranquilizer so he “could get the fuck knocked out.” When § 87(2)(b) was discharged, Detective Cervini and Detective Zuccaro drove § 87(2)(b) to Queens Central Booking. Detective Zuccaro never slammed the seat in front of § 87(2)(b) on his toe.

Subject Officer: SERGEANT TERENCE CURRAN

- *He is a § 87(2)(b)-old white male who is 5’10” tall, weighs 230 pounds and has brown hair and brown eyes.*
- *He is assigned to Narcotics Borough Queens and on March 7, 2009, he worked, in plainclothes, from 12:25 PM until 9:00 PM. He was assigned as the 114th Precinct Narcotics Supervisor and worked with Detective Kevin Pecorella and Detective Michael Cervini. They were assigned an unmarked gray Toyota Sienna minivan.*

Memo Book

Sergeant Curran’s memo book (encl. 11A – 11B) is summarized as follows: At 6:45 PM he was en route to the vicinity of 35th Street and Broadway and arrived there at 6:55 PM in regards to the buy and bust operation he was involved with. At 7:05 PM there was an arrest in front of § 87(2)(b) [REDACTED]

Medical Treatment of Prisoner Report

The medical treatment of prisoner report for § 87(2)(b) (encl. 11C), which was filled out by Sergeant Curran, indicated that § 87(2)(b) received a laceration to his left hand while resisting arrest. § 87(2)(b) who was intoxicated, was taken to § 87(2)(b) via ambulance.

CCRB Testimony

Sergeant Curran was interviewed at the CCRB on December 22, 2009 (encl. 11D – 11E). While doing a buy and bust operation Sergeant Curran received a radio call from Detective Zuccaro and Lieutenant Thomas saying that they had an arrest at § 87(2)(b) [REDACTED] in Queens. Sergeant Curran, Detective Pecorella and Detective Cervini headed over to that location and upon arriving he observed § 87(2)(b) sitting on the ground in handcuffs. He was agitated and angry and appeared intoxicated. Sergeant Curran thought § 87(2)(b) was intoxicated because of his actions and because he was slurring his speech. § 87(2)(b) had a laceration to his hand that was bleeding. There were also some neighbors on the stoop who were watching the incident.

A few minutes after arriving to the scene an ambulance showed up. § 87(2)(b) continued to yell and scream. The EMS workers put him onto a gurney and had to strap him to the gurney

to restrain him. He was then put into the ambulance where he continued to yell. A few minutes after the defendant was placed into the ambulance about two or three of his relatives arrived to the scene. They attempted to get into the ambulance but Sergeant Curran explained to an unidentified male relative that he was under arrest and they could not talk to him or get near him. § 87(2)(b) was then transported to the local hospital.

No civilian ever requested Sergeant Curran's name and shield number. Sergeant Curran did not recall hearing any other officer have that information requested of them. Sergeant Curran never heard any officer use a discourtesy or threaten to use physical force or arrest any civilian.

Subject Officer: LIEUTENANT CHRISTOPHER THOMAS

- *He is a § 87(2)(b)-old white male who is 5'9" tall, weighs 205 pounds and has black hair and brown eyes.*
- *He is assigned to the Narcotics Borough Queens and on March 7, 2009, he worked, in plainclothes, from 12:25 PM until 9:00 PM. He was supervising a buy and bust operation and worked with Detective Bryan Zuccaro. They were assigned unmarked car § 87(2)(b) which is a blue Toyota minivan.*

Memo Book

Lieutenant Thomas's memo book (encl. 12A – 12C) is summarized as follows: At 7:05 PM, § 87(2)(b) was arrested in front of § 87(2)(b) for § 87(2)(b). At § 87(2)(b), § 87(2)(b) was sent to § 87(2)(b) with EMS and Detective Zuccaro while he went to the 114th Precinct for arrest processing.

Deposition

Lieutenant Thomas filled out a deposition (encl. 12D – 12E) in regards to the arrest of § 87(2)(b). It indicated that § 87(2)(b) was observed consuming a 24 ounce bottle of Beck's beer on the sidewalk in front of § 87(2)(b). Lieutenant Thomas determined it to be an alcoholic beverage based on his professional training, the odor from the container and the packaging. § 87(2)(b) also resisted arrest by flailing his arms and refusing to be handcuffed. § 87(2)(b) was also being unreasonably loud and boisterous, causing a crowd to form.

CCRB Testimony

Lieutenant Christopher Thomas was interviewed at the CCRB on January 13, 2010 (encl. 12F – 12H). Lieutenant Thomas and Detective Zuccaro were conducting a buy and bust operation in the area when they saw an unidentified male urinating outside of § 87(2)(b) and exited their car to speak with him. As they began speaking to this male, Lieutenant Thomas heard Detective Zuccaro say, "Police, stop." Lieutenant Thomas turned and saw that Detective Zuccaro had addressed § 87(2)(b) who was walking northbound on 37th Street towards the officers with an open bottle of Beck's beer. § 87(2)(b) stopped, saw the officers, who had their shields around their necks, and ran into the building. After running through the vestibule door § 87(2)(b) turned around and went to push the door closed. As he pushed the door closed his feet came out from under him and he fell, breaking the beer bottle on the floor. Lieutenant Thomas and Detective Zuccaro picked § 87(2)(b) up off the floor out the puddle of beer and broken glass and placed him against the wall. They tried to handcuff him but he wrestled with them and refused to let go of the broken beer bottle. After struggling § 87(2)(b) for a minute or two

Lieutenant Thomas and Detective Zuccaro were able to handcuff him. After they handcuffed him they realized that he was bleeding from a small cut on the back of his knuckle from the broken glass.

At that point two family members came out of § 87(2)(b)'s apartment; they were identified through investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) pleaded with the two officers to either let him go or give him a summons and told them § 87(2)(b) had drank heavily and was intoxicated. § 87(2)(b) and § 87(2)(b) were very calm and polite and agreed that § 87(2)(b) should have just stopped.

When the officers went to take § 87(2)(b) out of the building he was belligerent and was jumping and thrashing his shoulders around. As they tried to get him into the vestibule he was kicking at the door and kicking at the officers. Once inside the vestibule § 87(2)(b) threw himself on the ground and was spinning around on the floor so that they could not grab him and was kicking at the glass doors and the officers. They eventually managed to get him out on the front steps where he calmed down due to exhaustion. While § 87(2)(b) was sitting on the front steps when he slid himself down the steps and fell asleep and proceeded to snore for several minutes. It was quite apparent to Lieutenant Thomas that he was intoxicated due to his actions. § 87(2)(b) was quiet only when he was sleeping. Throughout the incident he was screaming and yelling. As soon as they got outside Lieutenant Thomas called for an ambulance and called for Detective Pecorella, Detective Cervini and Sergeant Curran to come to the location.

When EMS got there they woke up § 87(2)(b) and determined that he was going to need stitches. When the EMTs attempted to bandage his hand he fought with the EMTs. They tried to put him in a chair to wheel him to the ambulance but he would not sit in the chair and kept on rolling over and getting out of it. It took four or five people to pick him up and put him onto the gurney because he kept kicking and thrashing around. They were eventually able to strap him onto the gurney and put him into the ambulance. As they were putting him into the ambulance he lashed out at the female EMT and attempted to kick her. At about that time more family members came who were irate. One of them attempted to push past the officers and tried to open the doors to get into the ambulance. § 87(2)(b) asked Lieutenant Thomas for his name and shield number and Lieutenant Thomas told him that he did not have a shield number and provided his name to him, which § 87(2)(b) wrote down on a small white piece of paper which was either a business card or matchbook. When they left § 87(2)(b) also shook Lieutenant Thomas's hand.

§ 87(2)(b) was escorted in the ambulance by Detective Zuccaro. Detective Cervini followed the ambulance to the hospital. Detective Zuccaro never closed the door on § 87(2)(b)'s hand and never dragged him down the steps by his feet. He was never slammed into a wall. No officer ever told any family members to, "Shut the fuck up," or threatened them with arrest or physical violence. Lieutenant Thomas was not sure Detective Pecorella, Detective Cervini or Sergeant Curran had any interaction with any civilians did not know if they were ever asked for their name and shield numbers.

Medical Records

The ambulance call report (encl. 13A – 13B) indicated that an ambulance was called by officers from Narcotics Borough Queens to treat § 87(2)(b) for cuts on his left wrist and left middle and ring fingers that were bleeding. § 87(2)(b) had to be restrained by police officers because he was "very agitated and uncooperative" and was "spitting and cursing." His actions prevented the EMTs from getting his blood pressure and pulse. The narcotics officers at the scene stated that § 87(2)(b) was running with the beer bottle and it fell and broke and he fell on top of it. § 87(2)(b) was positive for alcohol on his breath and was very aggressive when the

EMTs attempted to dress his wounds. The presumptive diagnosis was intoxication and a laceration secondary to broken glass.

The pre-arraignment screening form (encl. 13C – 13D) indicated that § 87(2)(b) s only injury was stitches to his left hand. The rest of the writing on the form is illegible.

A subpoena was sent to § 87(2)(b) on March 26, 2009 for the release of § 87(2)(b) s medical records from his treatment there. To date these records have not been received by the CCRB. § 87(2)(g)

NYPD Documents

Arrest Photograph

No injuries are visible in § 87(2)(b) s arrest photograph (encl. 5L).

Roll Call

The roll call for Narcotics Borough Queens 108/114 Module (encl. 14) indicated that on March 7, 2009, Sergeant Curran worked from 11:50 AM to 11:30 PM and that Detective Cervini worked from 12:20 PM to 8:00 AM the next morning. It also indicated that Detective Pecorella worked from 12:18 PM to 3:00 AM the next morning and that that Detective Zuccaro worked from 12:00 PM to 8:00 AM the next morning. Lieutenant Thomas was not listed on the roll call.

Tactical Plan

The tactical plan for the Narcotics Borough Queens 108/114 Module (encl. 15) indicated that Sergeant Curran, Detective Pecorella and Detective Cervini were assigned as leader and arresting officer for the operation. It also indicated that Detective Zuccaro and Lieutenant Thomas were assigned as Chase #1.

Arrest for Incident and Disposition

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

§ 87(2)(b) filed a Notice of Claim (encl. 5M – 5N) with the City of New York on § 87(2)(b), claiming false arrest, false imprisonment, malicious prosecution, assault, excessive force, intentional infliction of emotional distress, negligent infliction of emotional distress, intentional and/or negligent damage to property, violation of civil rights under 42 U.S.C. Section 1983 and negligent hiring/training/retention and was seeking an unspecified amount as redress.

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[redacted]
 - [redacted]
[redacted]
- [redacted]
[redacted]
 - [redacted]
[redacted]
 - [redacted]
 - [redacted]
[redacted]

Civilians CCRB History

- § 87(2)(b) is a victim in the following CCRB complaint (encl. 2A):
 - § 87(2)(b) [redacted]
[redacted]
- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2B).
- This is the first CCRB complaint that § 87(2)(b) has been a part of (encl. 2C).

Subject Officers CCRB History

- Lieutenant Thomas has been a member of the service for 19 years and there are no substantiated CCRB allegations against him (encl. 1C – 1D).
- Detective Zuccaro has been a member of the service for 7 years and there are three substantiated CCRB allegations against him (encl. 1A – B).
 - In case 200709264, allegations of vehicle search, frisk and search of person were substantiated, he pled guilty and received Command Discipline A and Instructions
- Sergeant Curran has been a member of the service for 17 years and there is one substantiated allegation CCRB allegation against him (encl. 1I).
 - In case 200816329 an allegation of stop was substantiated and he received a command discipline.
- Detective Pecorella has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. 1H).
- Detective Cervini has been a member of the service for 18 years and there is one substantiated allegations against him (encl. 1E – 1G).
 - In case 200006479 an allegation of physical force was substantiated. He was found not guilty by the NYPD.

Conclusion

Identification of Subject Officers

- Detective Zuccaro acknowledged that he interacted with § 87(2)(b) and § 87(2)(b)
- Lieutenant Thomas acknowledged that he interacted with § 87(2)(b) and § 87(2)(b)
- Detective Pecorella acknowledged seeing § 87(2)(b) at the scene.
- Sergeant Curran acknowledged interacting with civilians at the scene of the incident.
- Detective Cervini acknowledged interacting with civilians at the scene of the incident.

Investigative Findings and Recommendations

Allegations Not Pled

§ 87(2)(b) admittedly had an open bottle of Beck's beer in his possession and was drinking it in public view upon being stopped by the officers. § 87(2)(g)

§ 87(2)(b) alleged that Lieutenant Thomas used physical force against § 87(2)(b) during his arrest. § 87(2)(b) alleged that Detective Zuccaro used his foot to unhook § 87(2)(b)'s leg from the door when he was resisting arrest. § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b)'s body was slammed against the wall while he was being arrested. Additionally, § 87(2)(b) alleged that either Detective Zuccaro or Lieutenant Thomas was cursing at § 87(2)(b) during the arrest (although she could not specify exactly what was said).

§ 87(2)(g)

§ 87(2)(g)

Allegation A: Detective Bryan Zuccaro used physical force against § 87(2)(b) at § 87(2)(b) in Queens and en route to Queens Central Booking.

§ 87(2)(b) alleged that Detective Zuccaro smashed his head into the door and wall at least three times, was punched many times all over his body, closed the door on his hand and dragged him down the steps, causing his head to hit 5 or 6 steps. § 87(2)(b) also alleged that Detective Zuccaro slammed a seat down on his toe during his transportation to Queens Central Booking. The only force allegation that § 87(2)(b) and § 87(2)(b) corroborated was that § 87(2)(b) was dragged down the steps. Aside from the laceration to his finger, § 87(2)(b) also alleged that he had bruises on his left and right arm, left calf, left toe and left torso under the armpit. The ambulance call report, the medical treatment of prisoner report and the pre-arraignment screening form, however, indicated that § 87(2)(b)'s only injury was a laceration to his finger caused by broken glass. There was no mention of any bruising or other injuries. Also, the pictures taken of § 87(2)(b) during his interview, which was two days after the incident, show very little or no bruising to any part of his body. Additionally, these photographs and the arrest photograph show no bruising or injuries to § 87(2)(b)'s head. § 87(2)(g)

Additionally, the officers denied that any such force was used and that the only injury they observed was the laceration to his finger.

§ 87(2)(b) claimed that the laceration to his finger was caused when Detective Zuccaro closed the door on his hand. Detective Zuccaro and Lieutenant Thomas denied that this was the case and both of them explained that § 87(2)(b) was injured when, while resisting arrest, the bottle broke and he fell on top of the broken glass. This is corroborated by the ambulance call report. § 87(2)(g)

Allegation B: Detective Bryan Zuccaro threatened to arrest § 87(2)(b) at § 87(2)(b) in Queens.

Allegation C: Detective Bryan Zuccaro threatened § 87(2)(b) with the use of force at § 87(2)(b) in Queens.

§ 87(2)(b) alleged that when he exited his apartment and attempted to ask the officers what was happening Detective Zuccaro threatened to arrest him if he did not go back into the apartment and threatened to beat him up. However, no other witness saw or heard these allegations occur. Additionally, § 87(2)(b) did not mention the discourtesy or threat of force allegations in his statement to IAB. Detective Zuccaro and Lieutenant Thomas denied that any of these remarks were ever made to § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation D: Lieutenant Christopher Thomas refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.

Allegation E: Sergeant Terence Curran refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.

Allegation F: Detective Kevin Pecorella refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.

Allegation G: Detective Michael Cervini refused to provide his name and shield number to § 87(2)(b) at § 87(2)(b) in Queens.

§ 87(2)(b) alleged that he asked Lieutenant Thomas, Sergeant Curran, Detective Pecorella and Detective Cervini for their names and badge numbers but that they refused. However, these allegations were not mentioned by § 87(2)(b) in his telephone statement. Additionally, these allegations were not corroborated by § 87(2)(b) or § 87(2)(b) Sergeant Curran, Detective Pecorella and Detective Cervini denied that their information was ever requested by any civilian and they did not hear any other officer being asked for their information. Lieutenant Thomas admitted that § 87(2)(b) asked him for his information and stated that he had provided it to him and saw him write it down. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation H: Detective Bryan Zuccaro spoke obscenely to § 87(2)(b) at § 87(2)(b) and Queens Central Booking.

§ 87(2)(b) alleged that while at the hospital Detective Zuccaro told a nurse to give him a tranquilizer so he could “get the fuck knocked out.” He also alleged that Detective Zuccaro told him, “No, no get your ass in there” when he protested getting back in to the minivan at Queens Central Booking. Detective Zuccaro and Detective Cervini denied that any of these allegations ever occurred. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

:

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date